

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK GEORGE BASSETT,

Plaintiff,

No. 2:12-cv-0111 KJN P

vs.

OFFICER BARKLEY,

Defendants.

ORDER

\_\_\_\_\_/

Plaintiff, an Allegany County Jail inmate proceeding without counsel, has filed a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has not filed a request to proceed in forma pauperis or paid the filing fee.


The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

In this case, the defendant is located and the claim arose in Allegany County, which is in the Western District of New York, Buffalo Division. Therefore, plaintiff’s claim

1 should have been filed in the United States District Court for the Western District of New York  
2 in Buffalo. In the interest of justice, a federal court may transfer a complaint filed in the wrong  
3 district to the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932  
4 (D.C. Cir. 1974).

5 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the  
6 United States District Court for the Western District of New York, U.S. Courthouse, 2 Niagara  
7 Square, Buffalo, NY 14202.

8 DATED: January 26, 2012

9  
10   
11 KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

12 bass0111.21a  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26